

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO.27531 OF 1996**

**DATED: 06-02-2007**

Between :

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B. Venkatrama Rao ...

Petitioner

And

1. The Mandal Revenue Officer, Dammapeta  
Mandal, Dammapeta, Khammam District,  
And 2 others. ..  
Respondents

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**ORDER :**

The petitioner herein claims to be the absolute owner of Ac.1.22 guntas of land situated in Sy.No.259 of Jaggaram Village, Dammamet Mandal, Khammam District, having purchased the same under a sale deed dated 5-7-1963 executed by the 3<sup>rd</sup> respondent. While so, eviction proceedings were initiated against the petitioner under the provisions of the A.P. Scheduled Areas Land Transfer Regulation (Regulation 1 of 1959) alleging that the petitioner is in possession of the land in question in contravention of the provisions of Regulation 1 of 1959. However, after due enquiry, the Special Deputy Collector (Tribal Welfare), Palvoncha, by order dated 15-7-1996, held that since the provisions of Regulation 1 of 1959 as amended by Regulation 1 of 1970 were brought into force in Telangana region w.e.f. 1-12-1963, the sale transaction in favour of the petitioner dated 5-7-1963 was not void. The said order has become final since the 2<sup>nd</sup> respondent did not choose to prefer any appeal. It is alleged that in spite of the same the 1<sup>st</sup> respondent - Mandal Revenue Officer issued the impugned notice dated 22-11-1996 calling upon the petitioner to appear and explain as to how he came into possession of the land in question. Under the guise of the said enquiry the petitioner was directed not to

enter upon the land in question on which there was a standing Mango crop. Aggrieved by the said action, this writ petition is filed contending inter alia that the action of the 1<sup>st</sup> respondent was arbitrary, illegal and without jurisdiction.

In response to Rule Nisi ordered, the 1<sup>st</sup> respondent filed a counter-affidavit in which the fact that the Special Deputy Collector (Tribal Welfare), Palvoncha by order dated 15-6-1996 dropped the eviction proceedings initiated against the petitioner has not been disputed. However, it is stated that the land is classified as Sarkari Poramboke which belongs to the Government and therefore the tribals alone are entitled to enjoy the same. The allegation of the petitioner that at the instance of the 3<sup>rd</sup> respondent, the 1<sup>st</sup> respondent had taken steps to eject the writ petitioner has been specifically denied and it is explained that the impugned memo dated 22-11-1996 was issued pursuant to a petition submitted by the writ petitioner himself. It is stated that as per the report of the Mandal Revenue Inspector, Dammamet it was found that the land in question is a patta land standing in the name of K. Nagulu and the same was stated in the impugned memo. However, the 1<sup>st</sup> respondent never restrained the petitioner from entering the land in question. The revenue record disclosed that the name of the 3<sup>rd</sup> respondent was shown in the pattadar column and the petitioner's name was not shown. Accordingly, the impugned memo was issued. It is not an order deciding the rights of the petitioner.

From the contents of the above counter-affidavit

which remained unrebutted, it is clear that the 1<sup>st</sup> respondent has never interfered with the possession of the petitioner in respect of the land in question and the impugned memo dated 22-11-1996 was issued on the basis of the revenue record in which the 3<sup>rd</sup> respondent's name was shown as pattadar. By virtue of the impugned memo the petitioner cannot be said to be aggrieved since the rights of the neither party were adjudicated.

Having regard to the facts and circumstances of the case and since nothing has been placed before this Court to show that any adverse order as such has been passed against the petitioner, the Writ Petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioner without following due process of law. No costs.

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G. ROHINI, J.

Dt. 06-2-2007  
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